

98-0012 V.H. V. Lanier Brough Issued: 1/31/02

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The Employers' Reinsurance Fund ("ERF") asks the Utah Labor Commission to review the Administrative Law Judge's determination of certain questions of law related to V. H.'s continuing eligibility for permanent total disability compensation under the Utah Workers' Compensation Act. However, the ERF concedes that, regardless of whether the ALJ correctly decided such questions of law, Mr. H. is entitled to continuing benefits.

In light of the foregoing, any judgment the Commission might render would have no practical effect on the rights or duties of the parties to this proceeding. The Commission therefore concludes that the issues raised by the ERF are moot and that it would be inappropriate to consider such issues further.

In dismissing the ERF's motion for review as moot, the Commission expresses no opinion on the merits of the questions of law raised by the ERF.

### **ORDER**

The Utah Labor Commission dismisses the ERF's motion for review. The decision of the ALJ remains in effect. It is so ordered.

Dated this 31<sup>st</sup> day of January, 2002.

R. Lee Ellertson, Commissioner